

**In re the Application of:**

**Examiner:** Leffers, Gerald G.

**Art Unit: 1636**

**For:** HIGH EFFICIENCY TRANSFECTION  
BASED ON LOW ELECTRIC FIELD  
STRENGTH, LONG PULSE LENGTH

**Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Mail Stop PETITION**

Applicants hereby request reconsideration of the Office's 7 February 2005 dismissal of Applicants' 9 November 2004 petition to revive the captioned patent application under 37 C.F.R. 1.137(b) due to a fee deficiency. A check in the amount of \$175 to correct the fee deficiency accompanies this Request, as does a courtesy copy of Applicants' earlier petition under 37 C.F.R. 1.137(b).

I hereby certify that this paper (along with anything referred to as being attached) is being mailed via the U.S. Postal Service in an envelope stamped with sufficient First Class postage, addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Mailing

Daniel M. Chambers

04/12/2005 TBESHAH1 00000002 09342024

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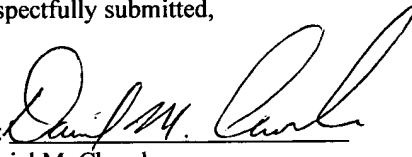
USSN: 09/342,024

GTI 1120 CIP1

Applicants request prompt reconsideration and a favorable disposition of their 37 C.F.R. 1.137(b) petition. Granting of this petition will establish a requisite period of co-pendency with commonly owned and co-pending U.S.S.N. 10/872,956, in which event this petition is to be further treated as a notice of express abandonment of this, the captioned application. Should any issues or questions arise during consideration of this request, or if additional information is required, the officer considering this petition is encouraged to telephone the undersigned at 858.350.9690 so that they may be promptly resolved.

Dated: 6 April 2005

Respectfully submitted,

By: 

Daniel M. Chambers  
Attorney for Applicants  
Reg. No. 34,561  
BioTechnology Law Group  
658 Marsolan Ave.  
Solana Beach, CA 92075  
Tel: 858.350.9690  
Fax: 858.350.9691



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	
Nolan, et al.	)	Examiner: Leffers, Gerald G.
Serial No.: 09/342,024	)	Art Unit: 1636
Filed: 28 June 1999	)	
For: HIGH EFFICIENCY TRANSFECTION	)	
BASED ON LOW ELECTRIC FIELD	)	
STRENGTH, LONG PULSE LENGTH	)	

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PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Mail Stop PETITION

Sir:

Applicants herein petition to revive the captioned patent application under 37 C.F.R. 1.137(b), as suggested in the Petition Decision dated 9 September 2004. A payment of \$575.00 accompanies this petition. When combined with the \$110 previously paid in connection with Applicants' prior petition, Applicants submit that the amount due pursuant to 37 C.F.R. 1.17(m) will have been paid.

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CERTIFICATE OF MAILING  
(37 CFR 1.10)

I hereby certify that this paper (along with anything referred to as being attached) is being mailed via the U.S. Postal Service in an envelope stamped with sufficient First Class postage, addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9 NOV 2004

Date of Transmission

Daniel M. Chambers

**STATEMENT TO THE COMMISSIONER**

Applicants hereby petition the Commissioner to revive this patent application. The entire delay in filing the required response from the non-extendable due date until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. Indeed, as evidenced by Applicants' prior submission on 15 June 2004, which was accompanied by the filing of a continuation application (assigned serial number 10/872,956, and a filing date of 15 June 2004) claiming priority to the instant case, the purpose of the prior response in this case was to provide the continuity, or period of co-pendency, needed to effect the aforementioned continuation filing. Thus, immediately following revival of this application for the period required to provide the requisite continuity so as to allow U.S.S.N. 10/872,956 to achieve the benefit of this application, Applicants expressly abandon the instant application.

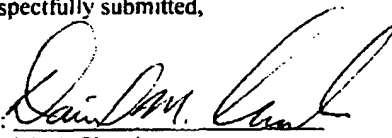
Applicants further request that the terminal disclaimer filed in connection with their prior submission be considered in the context of this petition.

**CONCLUSION**

Applicants request prompt consideration and a favorable disposition of this petition under 37 C.F.R. 1.137(b). After this petition is granted and the requisite period of co-pendency has been established with U.S.S.N. 10/872,956, Applicants request that this petition further be treated as a notice of express abandonment of this, the captioned application. Should any issues or questions arise during consideration of this request, or if additional information is required, the officer considering this petition is encouraged to telephone the undersigned at 858.350.9690 so that they may be promptly resolved.

Dated: 9 Nov 2004

Respectfully submitted,

By: 

Daniel M. Chambers  
Attorney for Applicants  
Reg. No. 34,561  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/342,024	
	Filing Date	28 June 1999	
	First Named Inventor	Nolan	
	Art Unit	1636	
	Examiner Name	Gerald G. Lefter	
Total Number of Pages in This Submission	62	Attorney Docket Number	677-1120-CIP1

**ENCLOSURES** (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition - <i>Renewed Request</i> <i>Courtesy Copy of</i> <i>177(b) Rule</i> <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): ① Postcard ② Check (BLG no. 1890)
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

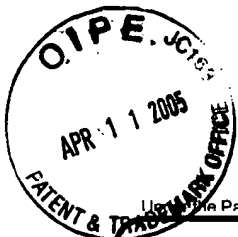
Firm Name	Daniel M. Chambers APC/Bio Technology Law Group		
Signature	<i>Daniel M. Chambers</i>		
Printed name	Daniel M. Chambers		
Date	6 APR 2005	Reg. No.	34,581

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Daniel M. Chambers</i>		
Typed or printed name	Daniel M. Chambers	Date	6 APR 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant ~~claims~~ <sup>remains entitled to claim</sup> small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 175

**Complete if Known**

Application Number	09/342,024
Filing Date	28 June 1999
First Named Inventor	Nolan
Examiner Name	Gerald G. Letter
Art Unit	1636
Attorney Docket No.	GTZ-1120-CIAI

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Rule 137(b) Retention Fee Deficiency

Fees Paid (\$)

8175.00

**SUBMITTED BY**

Signature	<i>[Signature]</i>	Registration No. (Attorney/Agent)	34, 581	Telephone	858. 350. 9890
Name (Print/Type)	Daniel M. Chambers	Date	6 APR 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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